

Application No. 10/001,585  
Response to OA of 12/23/2005

### Remarks

In the present response, twelve claims (12, 19, 23, 39, 40, 43, 44, 46, and 50-53) are amended. Claims 12-24 and 38-53 are pending in the application.

#### I. Claims Objection

Claim 52 is objected to because it recites the limitation "the meta-data of the second image is associated with the meta-data." This claim is amended as suggested by the Examiner. Applicants respectfully request withdrawal of this objection.

#### II. Claims Rejection: 35 USC § 112

Claims 12, 19, 23, 39-40, 43-44, 46, 50, and 52 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of these claims is amended as suggested by the Examiner. Applicants respectfully request withdrawal of this objection.

#### III. Claims Rejection: 35 USC § 102(b)

Claims 12-14, 16, 19-24, 40, 44, 46-48, and 50-53 are rejected under 35 USC § 102(b) as being anticipated by USPN 5,946,444 (Evans). Applicants respectfully traverse this rejection.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See MPEP § 2131, also, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Since Evans neither teaches nor suggests each element in the claims, these claims are allowable over Evans.

#### Claim 12

Claim 12 recites numerous limitations that are not taught or suggested in Evans. By way of example, claim 12 recites that the processing device is located in the event bookmark broadcaster. Evans does not teach or suggest this recitation. The Examiner equates the guest tag in Evans with the claimed "event bookmark broadcaster." The guest

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tag in Evans, however, does not include a processor configured to associate the received event bookmark with the captured image.

For at least these reasons, Evans does not teach or suggest all the elements of independent claim 12. The dependent claims that depend from independent claim 12 are allowable for at least these reasons.

#### **Claim 19**

Claim 19 recites numerous limitations that are not taught or suggested in Evans. By way of example, claim 19 recites "activating, by an operator, the event bookmark broadcaster to broadcast the event bookmark to the image capture device." Evans does not teach or suggest this recitation. In Evans, the guest tag is a passive radio device. The user or carrier of the guest tag takes no action to activate the tag. "Advantageously, in this embodiment of the invention, the guest is not required to take any action to activate tag reader 113 once he is within its range" (3: 9-12).

For at least these reasons, Evans does not teach or suggest all the elements of independent claim 19. The dependent claims that depend from independent claim 19 are allowable for at least these reasons.

#### **Claim 23**

Claim 23 recites numerous limitations that are not taught or suggested in Evans. By way of example, claim 23 recites that the bookmark includes "(1) a phrase that describes the captured image and (2) a time stamp corresponding to a time an operator broadcasts the event bookmark to the image capture device." Evans teaches that the guest tag has a unique identifier that is transmitted to the tag reader (see 4: 31-40). Nowhere does Evans teach or suggest that the guest tag transmits both a phrase describing the capture image and "a time stamp corresponding to a time an operator broadcasts the event bookmark to the image capture device."

For at least these reasons, Evans does not teach or suggest all the elements of independent claim 23. The dependent claims that depend from independent claim 23 are allowable for at least these reasons.

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#### **Claim 46**

Claim 46 recites numerous limitations that are not taught or suggested in Evans. By way of example, claim 46 recites an image capture device that is "portable and user activated to capture the images at different locations at the event." In Evans, the cameras are situated at amusement park locations and are activated by the guest tags, not users.

For at least these reasons, Evans does not teach or suggest all the elements of independent claim 46. The dependent claims that depend from independent claim 46 are allowable for at least these reasons.

#### **Claim 50**

Claim 50 recites numerous limitations that are not taught or suggested in Evans. By way of example, claim 50 recites "broadcasting, upon actuation from an operator, an event bookmark to a portable image capture device." Evans does not teach or suggest this recitation. In Evans, the guest tag is a passive radio device. The user or carrier of the guest tag takes no action to activate the tag. "Advantageously, in this embodiment of the invention, the guest is not required to take any action to activate tag reader 113 once he is within its range" (3: 9-12).

As another example, claim 50 recites that the meta-data describes activities at the event. In Evans, the guest tag merely "identifies" the user, not describe activities.

For at least these reasons, Evans does not teach or suggest all the elements of independent claim 50. The dependent claims that depend from independent claim 50 are allowable for at least these reasons.

#### **IV. Claims Rejection: 35 USC § 103(a)**

Claims 15, 38, 41-42, 45, and 49 are rejected under 35 USC § 103(a) as being unpatentable over Evans. Applicants respectfully traverse.

Claims 15, 38, 41-42, 45, and 49 are dependent claims. Thus, for at least the reasons given in section III with regard to the respective independent claims, claims 15, 38, 41-42, 45, and 49 are allowable over Evans.

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**V. Claims Rejection: 35 USC § 103(a)**

Claims 17-18 are rejected under 35 USC § 103(a) as being unpatentable over Evans in view of USPN 5,634,144 (Mauro). Applicants respectfully traverse.

Claims 17-18 are dependent claims. Thus, for at least the reasons given in section III with regard to the respective independent claims, dependent claims 17-18 are allowable over Evans and Mauro.

**VI. Allowable Subject Matter**

Applicants sincerely thank the Examiner for indicating allowance of claims 39 and 43.

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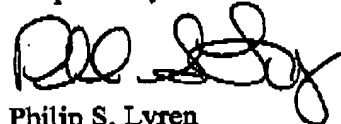
### CONCLUSION

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

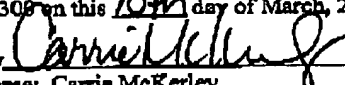


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#### CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 571-273-8300 on this 10th day of March, 2006.

By

  
Name: Carrie McKerley